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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 29th November, 1968/*Agrahayana* 8, 1890 (*Saka*)

The following President's Act is published for general information:—

THE HOOGHLY RIVER BRIDGES ACT, 1968

No. 32 OF 1968

Enacted by the President in the Nineteenth Year of the Republic of India.

An Act to provide for the construction, maintenance and control of bridges across the river Hooghly within the port of Calcutta.

In exercise of the powers conferred by section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1968, the President is pleased to enact as follows:— 6 of 1968.

1. (*1*) This Act may be called the Hooghly River Bridges Act, 1968.

(2) It shall apply to the port of Calcutta as defined, from time to time, under section 5 of the Indian Ports Act, 1908. 15 of 1908.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "bridge" includes a tunnel;

(b) "Commissioners" means the Hooghly River Bridge Commissioners, referred to in sub-section (1) of section 3;

(c) "notification" means a notification published in the Official Gazette;

(d) "prescribed" means prescribed by rules made under this Act.

Provisions of the Act to be carried out by Commissioners.

3. (1) The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a body of Commissioners to be called the Hooghly River Bridge Commissioners.

(2) The Commissioners shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The State Government may, by notification, appoint the members for the time being (by whatever name known) of any local or statutory authority as the Commissioners.

(4) The Commissioners shall be entitled to receive such fees for the performance of their duties under this Act as the State Government may prescribe and such fees shall be paid from the Hooghly River Bridge Fund maintained under section 13.

Functions of Commissioners.

4. The functions of the Commissioners shall be—

(a) to construct bridge or bridges across the river Hooghly according to such design, and of such materials and quality and at such place or places together with such approaches as the Commissioners may, subject to the approval of the State Government, consider suitable; and

(b) to maintain, control and improve such bridge or bridges together with the approaches.

Power to raise loans.

5. (1) The Commissioners may, with the previous approval of the State Government and subject to such terms and conditions as the State Government may think fit to impose, raise such loans as are necessary for carrying out their functions under this Act.

(2) All loans raised under sub-section (1) shall be guaranteed by the State Government as to repayment of principal and payment of interest at such rate as the State Government may, in consultation with the Commissioners, fix at the time the loan is raised.

Levy of tolls.

6. (1) The Commissioners may, for the purpose of carrying out their functions under this Act, levy, in consultation with the State Government, tolls at such rates not exceeding the rates specified in sub-section (2) on all types of vehicles and animals passing over or through a bridge constructed under this Act, as the Commissioners may think fit:

Provided that no toll shall be levied on any military or police vehicle, vehicle belonging to the Commissioners for the Port of Calcutta, ambulance car belonging to any local authority or hospital, or fire-fighting vehicle, using such bridge on duty.

(2) The maximum rates of toll that may be levied under sub-section (1) shall be as follows, namely:—

(a) Lorry, bus or tractor, with or without trailer, and similar other heavy vehicles.	@ Rs. 1·50 each;
(b) Tempo, scooter-rickshaw, or any other power-driven carrier with three or less than three wheels.	@ Re. 0·50 each;
(c) Car or taxi (with or without trailer).	@ Re. 0·75 each;
(d) Motor cycle, scooter, cycle-rickshaw, or bicycle with a maximum of 3 riders including the person driving.	@ Re. 0·25 each;
(e) Animal	@ Re. 0·10 each.

(3) For the purpose of levy of tolls under sub-section (1), the Commissioners may establish such number of toll-bars as they consider necessary and may undertake collection of tolls through such officers as may be appointed by them for the purpose.

Table of tolls to be published and hung up.

7. The Commissioners shall, by notification, publish a table of tolls to be levied under sub-section (1) of section 6 and shall cause copies of such table legibly written in English, Bengali and Hindi to be hung up in some conspicuous position near every toll-bar for the information of all persons required to pay such tolls.

Power for recovery of tolls.

8. (1) Any person appointed to collect tolls may refuse any vehicle or animal to pass through a toll-bar until the toll due on such vehicle or animal, as the case may be, has been paid.

(2) If the toll due on any vehicle or animal is not paid on demand, the person appointed to collect the same may, without prejudice to the liability of any person for prosecution under any provision of this Act, seize the vehicle or animal, or such part of its load, if any, as may be sufficient in value to defray the toll, and if any toll remains undischarged for twenty-four hours, with the cost arising from such seizure, the case shall be brought before such officer as may be appointed by the Commissioners to superintend the collection of the said toll, who may, after issue of notice to hold the sale by auction not later than noon of the third following day, exclusive of Sunday or any closed holiday, sell the property seized for discharge of the toll, and all expenses occasioned by such non-payment, seizure and sale, and cause any balance that may remain, to be returned, on demand, to the owner of the property:

Provided that if at any time before the sale has been concluded, the person whose property has been seized tenders to the officer holding the sale, the amount of all the expenses incurred and double the toll payable, the said officer shall forthwith release the property seized.

(3) If the load or part thereof seized under sub-section (2) consists of articles which are subject to speedy and natural decay, or consists of livestock, the same may forthwith be sold and the sale-proceeds dealt with in the manner specified in sub-section (2).

(4) Notwithstanding anything contained in this section, the surplus of the sale-proceeds of any property seized under this section may be utilised for the payment of any fine imposed for contravention of the provisions of section 9, and any property which has been seized under this section may be sold for the realisation of any such fine.

Prohibition of refusal or avoidance of payment of toll.

9. No person taking through a toll-gate any vehicle or animal shall refuse to pay the toll due on such vehicle or animal or shall fraudulently avoid payment of such toll.

Prohibition of taking unauthorised tolls.

10. No person who is appointed under this Act to collect tolls shall demand or take any toll other than that authorised under this Act.

Composition in respect of tolls.

11. The Commissioners may compound for any period not exceeding one year at a time, with any person for a certain sum to be paid by such person for a fixed number of vehicles or animals to be taken by him through a toll-gate, in lieu of the ordinary toll payable.

Police-officers to assist.

12. All police-officers shall be bound to assist the toll-collectors when required, and, for that purpose, shall have the same powers as they have in the exercise of their ordinary police duties.

The Hooghly River Bridge Fund.

13. (*1*) The Commissioners shall maintain a fund to be called the Hooghly River Bridge Fund and credit shall be given to the said fund of any income derived from—

(*a*) grant from Government or any other source;

(*b*) loans from Government or any other source;

(*c*) issue of debentures;

(*d*) tolls collected under this Act; and

(*e*) any other source as may be approved by the State Government.

(*2*) All moneys belonging to the said Hooghly River Bridge Fund shall vest in the Commissioners in trust for the purposes of this Act.

(*3*) The State Government may, by rules, provide for the manner of payment of moneys into the said Hooghly River Bridge Fund and for the investment, custody and disbursement of such moneys.

Accounts and audit.

14. The Commissioners shall keep an account of all the receipts and expenditure in such manner and in such form as the State Government may prescribe and the account shall be examined and audited annually by an auditor or auditors appointed by the State Government.

Budget.

15. (*1*) The Commissioners shall by the first day of March each year cause to be prepared and submitted to the State Government a budget estimate showing in such form as may be prescribed, their anticipated income and expenditure for the next financial year

(*2*) The State Government shall within thirty days from the date of receipt of the budget estimate either accord its approval to the same or return it to the Commissioners with such comments and suggestions thereon as it deems necessary.

(*3*) The Commissioners shall resubmit the budget estimate to the State Government within fifteen days from the date of receipt thereof together with their replies on the comments and suggestions made by the State Government and the State Government shall after considering these replies return the budget estimate within fifteen days

thereafter with or without modifications and the budget estimate shall be deemed to have been finally approved with or without such modifications, as the case may be.

(4) If the State Government does not accord its approval to the budget estimate within thirty days of the receipt thereof for such approval or within fifteen days of the resubmission thereof with or without modification, the said estimate shall be deemed to have been approved by the State Government in the form in which it was last submitted to the State Government.

Supplementary budget.

16. The Commissioners may, at any time during the year for which any budget estimate has been prepared and approved under section 15, cause a supplementary estimate to be prepared and submitted to the State Government for approval in the same manner as if it were an original budget estimate.

Powers in case of default by Commissioners.

17. If, in the opinion of the State Government, the Commissioners have made default in the performance of their duties under this Act, the State Government may, by notification, dissolve the body established by section 3 and may, by notification, appoint the members for the time being of any other local or statutory authority as the Commissioners or take under its own management the construction, maintenance, improvement and control of any bridge or bridges constructed under this Act together with the approaches thereto and also the arrangements for the service and repayment of any loan raised under this Act, and thereupon all the powers conferred and duties imposed by this Act upon the Commissioners and all contracts entered into or liabilities incurred by the Commissioners under this Act shall be deemed to be transferred to the Commissioners appointed under this section or to the State Government, as the case may be, and the Commissioners appointed under this section or the State Government, as the case may be, may take possession of the bridge or bridges constructed under this Act and the approaches thereto and of all properties and moneys vested by this Act in the Commissioners:

Provided that before proceeding under this section the State Government shall give a reasonable opportunity to the Commissioners to show cause as to why the proposed action shall not be taken.

Land and structures of bridges when to be exempt from or when to be liable to municipal taxation.

18. Lands required for the construction of any bridge under this Act including its foundations, approaches and slopes or for any improvement thereof together with all structures on such lands forming part of such bridge which vest in the Commissioners,—

(*i*) shall be exempt, or

(*ii*) shall not be exempt,

West Bengal Act XXXIII of 1951. Bengal Act III of 1923. West Bengal Act XVII of 1965. Bengal Act XV of 1932. West Bengal Act XVIII of 1955.

from the rate or rates leviable under the Calcutta Municipal Act, 1951, the Calcutta Municipal Act, 1923, as extended to the Municipality of Howrah, the Howrah Municipal Act, 1965, the Bengal Municipal Act, 1932 or the Chandernagore Municipal Act, 1955, as the case may be according as—

(*i*) they are not, or

(*ii*) they are,

let out to tenants or otherwise utilised for deriving income.

Explanation.—In this section, the expression "income" does not include income from levy of tolls

Compulsory acquisition of land.

19. Any land, with or without structures thereon, required by the Commissioners for carrying out their functions under this Act may be acquired under the provisions of the Land Acquisition Act, 1894 and any such acquisition shall be deemed to be acquisition for a "public purpose" within the meaning of clause (*f*) of section 3 of that Act.

1 of 1894.

Indemnity.

20. No person shall be entitled to any compensation for any loss or injury which he may sustain by reason of any obstruction to the navigation of the river Hooghly which may be caused by operations connected with the construction of any bridge or approaches under this Act or with the repair of such bridge or approaches or for any interference with any rights vested or otherwise, which may result from operations connected with such construction or repair.

Protection of action taken under the Act.

21. No suit or other legal proceeding shall lie against the Commissioners for any damage caused or likely to be caused, and no suit, prosecution or other legal proceeding shall lie against any person in the employment of the Commissioners, for anything in good faith done or purported to be done under this Act.

Power to undertake survey.

22. The Commissioners may, for the purpose of carrying out their functions under this Act, undertake survey of any area and for that purpose it shall be lawful for any officer of the Commissioners or the workmen of such officer—

(*a*) to enter upon and take level of any land; or

(*b*) to dig or bore into the sub-soil; or

(*c*) to mark levels and boundaries by placing marks and cutting trenches; or

(*d*) where otherwise the survey cannot be completed and levels taken and boundaries marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that before entering upon any land, the Commissioners shall give notice of their intention to do so to the owner or occupier of the land in such manner as may be prescribed.

Power to prohibit sinking of or direct removal of tube-wells.

23. (*1*) In order to ensure the safety of any bridge or the approaches thereto constructed under this Act, the Commissioners may, after consultation with the chief executive officer of the municipal body concerned, the General Manager of the Calcutta Metropolitan Water and Sanitation Authority and the Commissioners for the Port of Calcutta, by notification, prohibit the sinking of tube-wells within such distance from the piers of such bridge as may be specified in the notification.

(*2*) The Commissioners may, by order to be served in such manner as may be prescribed, direct the removal, within such time as may be specified in the order, of any tube-well which is, in their opinion, likely to endanger the safety of any bridge or approaches constructed under this Act.

Penalty.

24. (*1*) Whoever contravenes the provisions of section 9 or section 10 shall be punishable with fine which may extend to fifty rupees.

(*2*) Whoever contravenes the provisions of any notification issued under sub-section (*1*) of section 23 or fails to comply with any direction made under sub-section (*2*) of that section shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention or failure, with additional fine which may extend to fifty rupees for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

Power to make rules.

25. (*1*) The State Government may by notification make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generally of the foregoing power, such rules may provide for all or any of the matters which, under any provision of this Act are required to be prescribed or to be provided for by rules.

(*3*) Any rule made under this Act may provide that any person committing a breach thereof shall, on conviction, be punishable with

fine which may extend to one hundred rupees and in the case of a continuing breach with an additional fine which may extend to twenty-five rupees for every day during which such breach continues after conviction for the first such breach.

ZAKIR HUSAIN,
President.

V. N. BHATIA,
Secy. to the Govt. of India.

Reasons for the enactment

The fast growing volume of traffic between Calcutta and Howrah has made it urgently necessary to provide an additional bridge or bridges over the river Hooghly with a view to relieve congestion over the existing Howrah bridge (Rabindra Setu) and meet the needs of future traffic in the area. In order to go ahead with the construction of an additional bridge, the Government of West Bengal considers it necessary to constitute a statutory body of Bridge Commissioners and to provide for other matters relating to the construction, maintenance, control, financing, etc., of the additional bridge or bridges. It is not possible to do so under the existing Howrah Bridge Act, 1926, as that Act exclusively relates to the Howrah Bridge (Rabindra Setu).

2. This measure accordingly seeks to provide for the constitution of a body of Bridge Commissioners and the functions to be performed by them in the construction, maintenance and control of the additional bridge or bridges across the river Hooghly falling within the limits of the Port of Calcutta. It also provides for other allied matters relating to the financing of the bridge, the levy of tolls on vehicular and animal traffic, etc.

3. The Committee constituted under the proviso to sub-section (2) of section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1968 (6 of 1968), has been consulted before the enactment of this measure as a President's Act.

S. CHAKRAVARTI,
Secy. to the Govt. of India,
Ministry of Transport and Shipping.

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